

Effective 7/1/2015

64-13e-104 Housing of state probationary inmates or state parole inmates -- Payments.

- (1)
 - (a) A county shall accept and house a state probationary inmate or a state parole inmate in a county correctional facility, subject to available resources.
 - (b) A county may release a number of inmates from a county correctional facility, but not to exceed the number of state probationary inmates in excess of the number of inmates funded by the appropriation authorized in Subsection (2) if:
 - (i) the state does not fully comply with the provisions of Subsection (9) for the most current fiscal year; or
 - (ii) funds appropriated by the Legislature for this purpose are less than 50% of the average actual state daily incarceration rate.
- (2) Within funds appropriated by the Legislature for this purpose, the Division of Finance shall pay a county that houses a state probationary inmate or a state parole inmate at a rate of 50% of the final state daily incarceration rate.
- (3) Funds appropriated by the Legislature under Subsection (2):
 - (a) are nonlapsing;
 - (b) may only be used for the purposes described in Subsection (2) and Subsection (10); and
 - (c) may not be used for:
 - (i) the costs of administering the payment described in this section; or
 - (ii) payment of contract costs under Section 64-13e-103.
- (4) The costs described in Subsection (3)(c)(i) shall be covered by legislative appropriation.
- (5)
 - (a) The Division of Finance shall administer the payment described in Subsection (2) and Subsection (10).
 - (b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish procedures for the calculation of the payment described in Subsection (2) and Subsection (10).
 - (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total amount of the payments made does not exceed the amount appropriated by the Legislature for the payments.
- (6) Counties that receive the payment described in Subsection (2) and Subsection (10) shall, on at least a monthly basis, submit a report to CCJJ that includes:
 - (a) the number of state probationary inmates and state parole inmates the county housed under this section;
 - (b) the total number of state probationary inmate days of incarceration and state parole inmate days of incarceration that were provided by the county;
 - (c) the total number of offenders housed pursuant to Subsection 64-13-21(2)(b); and
 - (d) the total number of days of incarceration of offenders housed pursuant to Subsection 64-13-21(2)(b).
- (7)
 - (a) On or before September 30 of each year, CCJJ shall compile the information from the reports described in Subsection (6) that relate to the preceding state fiscal year and provide a copy of the compilation to each county that submitted a report.
 - (b) On or before October 15 of each year, CCJJ shall inform the Division of Finance and each county of the exact amount of the payment described in this section that shall be made to each county.

- (8) On or before December 15 of each year, the Division of Finance shall distribute the payment described in Subsection (7)(b) in a single payment to each county.
- (9)
- (a) The amount paid to each county under Subsection (8) shall be calculated on a pro rata basis, based on the average number of state probationary inmate days of incarceration and the average state parole inmate days of incarceration that were provided by each county for the preceding five state fiscal years; and
 - (b) if funds are available, the total number of days of incarceration of offenders housed pursuant to Subsection 64-13-21(2)(b).
- (10) If funds appropriated under Subsection (2) remain after payments are made pursuant to Subsection (8), the Division of Finance shall pay a county that houses in its jail a person convicted of a felony who is on probation or parole and who is incarcerated pursuant to Subsection 64-13-21(2)(b) on a pro rata basis not to exceed 50% of the final state daily incarceration rate.

Amended by Chapter 412, 2015 General Session

Amended by Chapter 425, 2015 General Session